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Attorneys for Defendant Unilever United States, Inc.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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MATHEW ERCOLINE, on behalf of :  
himself and on behalf of all others similarly : Civil Action No.: 2:10-cv-01747-  
situated, : SRC-MAS  
: .  
Plaintiff, : .  
: .  
v. : DECLARATION OF SHEILA  
UNILEVER UNITED STATES, INC. : WENKE IN SUPPORT OF  
: DEFENDANT'S MOTION  
: TO DISMISS  
Defendant. : .  
: .  
x

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SHEILA WENKE, hereby declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I have personal knowledge of the following facts, and if called to testify, could and would testify competently thereto. I am Senior Design Manager, Visual Branding, for Conopco, Inc. d/b/a Unilever ("Unilever").

2. I am submitting this declaration in support of Unilever's motion to dismiss the above-referenced Complaint.

3. Attached hereto as Exhibits A through H are complete copies of labels for the eight flavors of Breyers Smooth & Dreamy ice cream which are specifically listed in paragraph 19 of the Complaint. For the Court's convenience, in addition to a complete copy of each label, each exhibit also includes an enlarged image of the Nutrition Facts and accompanying information which appear on each label, including the following calories for both the light and regular ice creams:

- (A) Butter Pecan (Light 130; Regular 200)
- (B) Cookies & Cream (Light 130; Regular 200)
- (C) Creamy Chocolate (Light 110; Regular 190)
- (D) Creamy Vanilla (Light 110; Regular 180)
- (E) Mint Chocolate Chip (Light 130; Regular 210)
- (F) Rocky Road (Light 140; Regular 210)
- (G) Vanilla Bean (Light 110; Regular 190)
- (H) Vanilla/Chocolate/Strawberry (Light 110; Regular 180)

4. I declare under penalty of perjury that the foregoing is true and correct.

5. Executed this 2<sup>nd</sup> day of June, 2010, at Englewood Cliffs, New Jersey.

By:   
SHEILA WENKE